

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 17, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Poindexter was also in attendance

Marc Carmichael, Andrew Boxberger, Mark Webb, Debbie Scott, Pedro Martinez, John Kalb, Trevor Vance and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 3, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the March 17, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR18-10953 K.K.H. & H., INC. – Commissioner Guthrie stated the Commission received the Amended Findings and Conclusions of Law from the trial court regarding the inactivation of this permit.

Commissioner Guthrie moved to uphold the trial court's recommendation and approve the reactivation of this permit and the filing of a transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred thirty-eight (338) renewals approved, forty (40) new and/or transfer permits approved, six (6) permits approved for catering, nine (9) permits approved for first year escrow, four (4) permits approved for second year escrow, three (3) permits approved for third year escrow, two (2) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR02-25704 FORT WAYNE REDEVELOPMENT AUTHORITY, D/B/A PARKVIEW FIELD – Chairman Huskey noted this is a new type 219 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-21523 SS OIL, INC. D/B/A HOOSIER PETE – Chairman Huskey noted this is a type 116 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-23475 PUB 136 CORP. – Chairman Huskey noted this is a type 103/210-1 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make fourteen (14) permits inactive. Twelve (12) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

PERMITS REVOKED – Commissioner Guthrie stated fourteen (14) permittees were a sent notice to appear before the Commission on this date, or their permit would be revoked. Thirteen (13) of the permittees did not appear at the meeting, and; therefore, Commissioner Guthrie moved to revoke those permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

One (1) permittee contacted the Commission regarding the revocation. Commissioner Guthrie moved to continue the revocation hearing regarding permit #RR67-23068. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

THANK YOU – Interim Chairman Huskey thanked everyone for allowing him to serve as chairman during the last few months' transition period.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER